

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-21 remain pending in the case. Claims 1-21 are rejected. Claims 1, 2, 4-9, 11-16 and 18-21 are amended. No new matter has been added.

Applicants respectfully note that in the present Office Action, the Examiner cites to passages of the Humpleman reference that do not exist. For instance, the Examiner cites to column 27, lines 42-55, several times in the present Office Action. However, Humpleman is only twenty-six columns long. Applicants respectfully note that such citations make it difficult to effectively understand and respond to the Examiner's arguments.

35 U.S.C. §103(a)

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,243,707 by Humpleman et al., hereinafter the "Humpleman" reference, in view of United States Patent 6,567,807 by Robles et al., hereinafter the "Robles" reference. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-21, as amended, is not unpatentable over Humpleman in view of Robles for the following rationale.

Applicant has amended independent claims 21, 30 and 35 herein. Support for these amendments may be found in the instant specification at least at page 23, line 2 through page 24, line 26; page 34, line 26 through page 36, line 10; page 37, line 19 through page 38, line 6; page 43, lines 2-7; and at least in Figures 2-4, 10 and 11.

Applicant respectfully directs the Examiner to independent Claim 1, now amended, that recites that an embodiment of the present invention is directed, in part, to (emphasis added):

In a consumer electronic device that is coupled to a plurality of consumer electronic devices via a high-speed data bus, a method of scheduling and executing service-based requests, said method comprising:

receiving a service-based request from a user, wherein said service-based request does not indicate a consumer electronic device of said plurality of consumer electronic devices for carrying out said service-based request, wherein said service-based request comprises a request to record content;

...

determining a source consumer electronic device for playing said content and an intermediate consumer electronic device for recording said content; and

determining an amount of recording medium of said intermediate consumer electronic device that is available for recording said content.

Independent Claims 8 and 15 recite similar limitations. Claims 2-7 that depend from independent Claim 1, Claims 9-14 that depend on independent Claim 8, and Claims 16-21 that depend from independent Claim 15 provide further recitations of the features of the present invention.

Applicants respectfully assert that the combination of Humpleman in view of Robles does not teach, describe or suggest the claimed invention. For instance, Humpleman and the claimed invention are very different. Applicant understands Humpleman to teach a method and apparatus for creating home network macros. Specifically, Humpleman does not teach, describe or suggest “determining an amount of recording medium of said intermediate consumer electronic device that is available for recording said content,” as claimed.

Applicants understand Humpleman to provide a session manager that provides an interface between a user and a home network. The session manager may generate a page that includes all contents of the network and all functional capabilities (col. 17, lines 35-37). For instance, the page may include a listing of available services or a listing of video or audio programs available on the network (col. 17, lines 37-42). Specifically “[s]uch a display is user transparent in the sense that the user is permitted to select information sources based on content, rather than equipment, device or channel through which the information is made available” (col. 17, lines 42-45; emphasis added).

In contrast, the present invention as recited in amended independent Claim 1, and similarly amended independent Claims 8 and 15, provides the limitation of “determining an amount of recording medium of said intermediate consumer electronic device that is available for recording said content” (emphasis added). As described in the present application, it is determined

whether sufficient recording medium is available (page 35, lines 3-7). In other words, it is determined whether enough recording medium is empty, and thus available for recording content.

Applicants respectfully assert that Humpleman teaches presenting a user with selectable information sources based on content. By teaching that information sources are presented based on content, Applicants respectfully assert that Humpleman teaches away from of “determining an amount of recording medium of said intermediate consumer electronic device that is available for recording said content” (emphasis added).

Moreover, the combination of Humpleman and Robles fails to teach or suggest the claimed embodiments because Robles does not overcome the shortcomings of Humpleman. Robles, alone or in combination with Humpleman, does not show or suggest a method of scheduling and executing service-based requests including “determining an amount of recording medium of said intermediate consumer electronic device that is available for recording said content” as claimed.

Applicant understands Robles to teach an event manager for providing investor relations event scheduling. In particular, Robles does not teach, describe or suggest a method of scheduling and executing service-based requests including “determining an amount of recording medium of said

intermediate consumer electronic device that is available for recording said content” as claimed (emphasis added). Applicants have reviewed Robles and respectfully assert that Robles is silent as to such a teaching.

Furthermore, the combination of Humpleman and Robles fails to teach or suggest the present invention as claimed because the combination of Humpleman and Robles does not satisfy the requirements of a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP 2142). In particular, “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed amendment” (emphasis added) (MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Applicants understand Humpleman to teach an apparatus for creating home network macros. In particular, the principle of operation of Humpleman is to allow a user to control devices over a home network. For instance, the session manager of Humpleman may allow a user to set a timer to record a

television program (col. 15, lines 1-4). In particular, the session manager of Humpleman does not allow for the use of an electronic device if it is already in use. In other words, an electronic device can only perform one function at any given time, and multiple overlapping events for an electronic device can not be performed. For example, a television cannot display two programs at the same time.

In contrast, Robles teaches an event manager for scheduling events attended by humans. The principle of operation of Robles is to ensure high attendance for investor relations events. For example, the event manager of Robles detects schedule conflicts between a proposed new event and an existing event. According to the event scheduling system of Robles, the event manager allows for the scheduling of a proposed event, even if the proposed event conflicts with an existing event (col. 10, lines 6-21).

Applicant respectfully asserts that modifying Humpleman to include the event scheduling system as taught in Robles would render Humpleman inoperable for its intended purpose. The event scheduling system of Robles which allows for scheduling conflicting event would change the principle of operation of Humpleman. In particular, such a modification would render Humpleman inoperable, as an electronic device can not perform two conflicting functions at the same time. Therefore, Applicant respectfully asserts that there is no suggestion to combine the teachings of Humpleman and Robles as

suggested by the Examiner, as the teaching of Humpleman teaches away from the combination with Robles.

Applicant respectfully asserts that nowhere does the combination of Humpleman and Robles teach, disclose or suggest the present invention as recited in amended independent Claims 1, 8 and 15, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in condition for allowance. Therefore, Applicant respectfully submits that the combination of Humpleman and Robles also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-7 that are dependent on allowable base Claim 1, Claims 9-14 that are dependent on allowable base Claim 8, and Claims 16-21 that are dependent on allowable base Claim 15. Applicant respectfully submits that Claims 2-7, 9-14 and 16-21 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

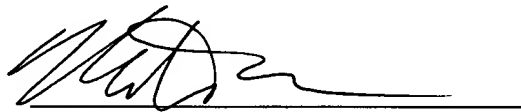
CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-21 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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